

**ASIAN AFRICAN  
LEGAL CONSULTATIVE  
COMMITTEE**

**REPORT  
AND  
SELECTED DOCUMENTS  
OF THE  
THIRTY-EIGHTH SESSION  
HELD IN ACCRA, GHANA  
(19 April-23 April, 1999)**



**THE AALCC SECRETARIAT**

## PREFACE

It is with pleasure that the Asian African Legal Consultative Committee presents this volume of 'Report and Selected Documents' for the thirty-eighth Session held in Accra, Ghana from 19 to 23 April 1999. This Report is another contribution of the AALCC towards achieving greater dissemination of its work and promoting wider knowledge of international legal matters of common concern amongst the Member States of the two continents of Asia and Africa.

The AALCC's main achievement has been in generating positive consensus within the Member States over matters and issues that are of prime importance to them and are on the agenda of the United Nations. Member States increasingly work in consultation with this organization and have often sought creative solutions to various legal problems. That way, the AALCC has gained a great deal of institutional as well as functional progress. The AALCC Secretariat has plans to improve the speed and access of its publications by initiating a web-based service with e-mail facility to keep the Member States informed about the research work emanating from the Secretariat.

This is a regional organization having a global vision and this has enabled it to play a vital role in formulating views and opinions especially during the UN Decade of International Law. This report is a landscape of international legal issues that have greatly influenced the world over these years. Economic and other constraints have seldom impeded the full realization of the potential of the AALCC.

Another publication 'AALCC Bulletin' published bi-annually, apart from covering AALCC's activities and the latest legal developments has a section for Articles/Write-ups on subjects of international law. Students/teachers/diplomats and other experts in the field of international law are welcome to send in their contributions towards the same.

This Report contains detailed background information, Decisions adopted and the discussions held during the Accra Session for handy reference purposes. Since this volume covers almost all the items under the AALCC's Agenda, the wide readership all around is expected to benefit from it.

Before, concluding, I would like to express my appreciation for my colleagues Mr. M. Reza Dabiri the Deputy Secretary General for his valuable editorial skills shown in the preparation of this massive volume, and Mrs. Neelam V.Mathur for her efficient handling of the compilation and proof reading jobs of this text.

New Delhi  
1st February 2000

**Tang Chengyuan**  
*Secretary General*

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## I. THE ASIAN AFRICAN LEGAL CONSULTATIVE COMMITTEE

### (i) Introduction

The Asian Legal Consultative Committee was constituted on 15 November 1956 by seven Asian States. i.e. Burma, Japan, India, Indonesia, Iraq, Sri Lanka and the United States Arab Republic. The Committee was founded to facilitate the exchange of views and information on legal matters of common concern to the Member States. The Committee was accorded in 1980 the Permanent Observer Status in the United Nations and in 1981, the status of an inter-Governmental Organisation on the 25<sup>th</sup> Anniversary of the Constitution of the Committee. The Committee by now, with much wider participation of States, had been able to forge very close links with the International Court of Justice over the years and some of the judges of the ICJ had themselves participated in the work of the Committee and had contributed to a large measure in building up the image and the high reputation which it has been able to earn in the United Nations and international legal circles. The administration of justice, the adjudication of claims, the resolution of legal issues and the pacific settlement of disputes which remain the *raison d'être* of the United Nations and its principal judicial organ, the ICJ, are very much dependent on the progressive development to meet the changing needs of an expanding international community. It is this vital function, namely the progressive development of law which the AALCC has been performing since its inception that has earned to it the gratitude and admiration of the ICJ and the comity of nations. The Committee has since been examining matters which are before the United Nations and specifically the International Law Commission and the Sixth Committee of the General Assembly. It has made substantial progress in achieving its aims and objectives as a regional inter-governmental organisation, with forty-four nations\* in its

\* These are: Arab Republic of Egypt, Bahrain, Bangladesh, China, Cyprus, Gambia, Ghana, India, Indonesia, Iran (Islamic Republic of) Iraq, Japan, Jordan, Kenya, DPR Korea, Republic of Korea, Kuwait, Libya, Malaysia, Mauritius, Mongolia, Myanmar, Nepal,